

ORDINANCE NO. 2013-25

ORDINANCE OF THE CITY OF NEWPORT BEACH AMENDING TITLE 9 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT THE 2013 CALIFORNIA FIRE CODE (TITLE 24, PART 9 OF THE CALIFORNIA CODE OF REGULATIONS) WITH LOCAL AMENDMENTS AS THE NEWPORT BEACH FIRE CODE

RECITALS

WHEREAS, Health & Safety Code Sections 17922 and 18935, the Building Standards Commission ("BSC") has approved the adoption of new model codes relating to fire and life safety. The BSC has advised local jurisdictions that the State will adopt the 2013 Edition of the California Fire Code ("CFC"); and

WHEREAS, the 2013 CFC is based on the 2012 International Fire Code. The CFC published by the BSC in Title 24, part 9 is mandated to be enforced on January 1, 2014. In order to include our local amendments and enhance life safety and property protection, the City of Newport Beach must complete its adoption process thirty (30) days prior to January 1, 2014. The adoption of the code into the city municipal code provides for an orderly administration of the codes by city fire and building officials; and

WHEREAS, local jurisdictions may amend the state fire code as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 9 of the Newport Beach Municipal Code; and

WHEREAS, to aid in efficiency and clarity, Title 9 will be repealed in its entirety and replaced with each of these modifications to the State code that are correlated with the findings in Resolution No. 2013-81 adopted by the City Council of the City of Newport Beach on November 12, 2013. When approved, the ordinance and accompanying resolution will be forwarded to the BSC in compliance with the above mentioned code sections, and

WHEREAS, the various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute to be known as the Newport Beach Fire Code; and

WHEREAS, all prior references to the former Newport Beach fire code shall be construed to apply to the corresponding provisions of the Newport Beach Fire Code contained herein; and

WHEREAS, the 2013 California Fire Code is similar to the 2010 version; the attached ordinance contains similar provisions as adopted by the City Council in 2010. Staff has taken the opportunity to review existing amendments in detail and some modifications are recommended. One new appendix is recommended to be adopted and will replace existing policy. Several existing amendments are not recommended to be carried forward into the next code cycle as today's codes, terminology, and technology have superseded the previous reasoning for these amendments.

THEREFORE; The City Council of the City of Newport Beach DOES ORDAIN as follows:

SECTION 1. Chapter 9.04 of the Newport Beach Municipal Code is hereby deleted in its entirety and amended to read as follows:

**Chapter 9.04
FIRE CODE**

Sections:

- 9.04.010 Adoption of the 2013 California Fire Code.
- 9.04.020 Amendments to Chapter 1 Scope and Administration.
- 9.04.030 Amendments to Chapter 2 Definitions.
- 9.04.040 Amendments to Chapter 3 General Precautions Against Fire.
- 9.04.050 Amendments to Chapter 5 Fire Service Features.
- 9.04.060 Amendments to Chapter 6 Building Services and Systems.
- 9.04.070 Amendments to Chapter 9 Fire Protection Systems.
- 9.04.080 Amendments to Chapter 36 Marinas.
- 9.04.090 Amendments to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.
- 9.04.100 Amendments to Chapter 50 Hazardous Materials—General Provisions.
- 9.04.110 Amendments to Chapter 56 Explosives and Fireworks.
- 9.04.120 Amendments to Chapter 57 Flammable and Combustible Liquids.
- 9.04.130 Amendments to Appendix B Fire-Flow Requirements for Buildings.
- 9.04.140 Local Agency Very High Fire Hazard Severity Zone.

9.04.010 Adoption of the 2013 California Fire Code.

There is hereby adopted by the City and incorporated herein by reference into this chapter, those certain codes known as the "California Fire Code 2013 Edition," and the whole thereof including Appendices B, C, E, F, G, I and K therein, errata issued during and after publishing date, save and except such portions as are hereinafter deleted, added or amended which shall collectively be known as the "Newport Beach Fire Code." One certified copy of which is to be on file in the Office of the City Clerk of the City of Newport Beach and open for public inspection.

9.04.020 Amendments to Chapter 1 Scope and Administration.

Section 103.2 Appointment is amended to read as follows:

Section 103.2 Appointment. The fire code official shall be appointed by the chief appointing authority of the jurisdiction.

Section 104.1 General is amended by adding Section 104.1.1 to read as follows:

Section 104.1.1 Scope. The fire code official is authorized and directed to enforce, within the scope of Section 104.1, the provisions of this code over all occupancies and land used within the City.

Section 105.5 Revocation is amended by adding Section 105.5.1 to read as follows:

105.5.1 Permits. A fire permit issued for any construction, operation, activity or process in accordance with this section may be revoked by the fire code official if the construction, operation, activity or process is found to not be in compliance with all applicable codes, laws or regulations and any conditions or limitations prescribed by the fire code official for a specific permit.

Section 107.5 Overcrowding is amended by adding Section 107.5.1 to read as follows:

107.5.1 Occupant count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area.

Section 109.4 Violation penalties is amended by deleting Section 109.4 in its entirety.

Section 111.4 Failure to comply is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine in accordance with the Newport Beach Municipal Code.

9.04.030 Amendments to Chapter 2 Definitions.

Section 202 General Definitions is amended by adding the following definitions to read as follows:

CUL-DE-SAC: A street closed at one end, with a circular terminus at the closed end to allow vehicles to turn around.

DEFENSIBLE SPACE: Defensible space is an area either natural or man-made, where plant materials and natural fuels have been treated, reduced, or modified to slow the rate and intensity of an advancing wildfire, and to create an area for firefighters to suppress fire and protect structure(s).

DOCK: A structure linked to the shoreline to which a vessel may be secured. A dock may be fixed to the shore or fixed on pilings, or may float in the water.

FUEL MODIFICATION PLAN: An approved plan which identifies specific fuel modification zones within a property are subject to fuel modification. Fuel modification plans show the area and location of all hardscape/softscape improvements and fuel modifications necessary to achieve the minimum acceptable level of risk to structures from fires in combustible vegetation.

FUEL MODIFICATION ZONE: A specific area where vegetation has been removed, planted, or modified in conjunction with an approved fuel modification plan that increases the likelihood that a structure will survive a wildfire, improve the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Vegetation includes native and ornamental plants, non-native naturalized annual grasses, and other invasive or naturalized species. Fuel modification activities can include removal, partial or total replacement of existing plants with adequately spaced drought-tolerant and fire-resistant species, and thinning of existing native or ornamental species.

HAZARD REDUCTION ZONE: Any geographical area designated by the Fire Chief in which structures directly abut a wildland space on one or more sides.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE: A geographical area designated in accordance with the California Government Code Section 51179, and by City of Newport Beach ordinance, which contains the type and condition of vegetation, topography, climate and structure density which potentially increases the possibility of uncontrolled fire spread through vegetative fuels threatening life or property. For the purposes of this code, Local Agency Very High Fire Hazard Severity Zones shall be considered to be Very High Fire Hazard Severity Zones as defined in Government Code Section 51179.

WILDLAND: An area of unimproved property with vegetative fuels in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND FUELS: Any combustible material in a wildland area.

WILDLAND-URBAN INTERFACE AREA: A geographical area where improved property intersects with wildland or vegetative fuels.

9.04.040 Amendments to Chapter 3 General Precautions Against Fire.

Section 305 Ignition Sources is amended by adding Sections 305.5, 305.6, and 305.7 to read as follows:

305.5 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, or is located within 10 feet (3.048 m) of a chimney outlet, shall be cut down and removed by the property owner. Vegetation modification requirements in wildland-urban interface areas shall be in accordance with Chapter 49 of this code.

305.6 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3.048 m) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be free of flammable vegetation and other combustible growth.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

305.7 Notification and abatement procedures.

305.7.1 Notice. Uncontrolled or high weeds, brush, plant material, fire hazards, or other items prohibited under this code increase the danger of fire and thus constitutes a fire hazard. If such condition exists, the fire code official shall give notice to the owner of record to abate the hazard within thirty (30) calendar days.

The notice shall state that the property owner is required to abate the fire hazard and that if the hazard is not abated the City may take further action which can include, (1) the City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the hazard, (2) that upon completion of such work the cost thereof, including administrative costs, can be billed to the property owner or can become a special assessment against that parcel, and (3) that upon City Council confirmation of the assessment and recordation of that order, a lien may be attached to the parcel to be collected on the next regular property tax bill levied against the parcel.

305.7.2 Commencement of abatement proceedings. Whenever the fire code official determines that a fire hazard exists, and the owner of a property fails to properly abate hazard in locations adjacent to grass or brush covered land which are located in hazardous fire areas, the fire code official is ordered to take appropriate correction actions based upon those findings.

305.7.3 Service of notice. The fire code official shall notify the property owner of affected properties as shown on the latest equalized tax assessment roll by certified mail, of the specific conditions that constitute a fire hazard and that the City will take action to abate the fire hazard. Notices shall be mailed not less than fifteen (15) calendar days prior to the date of the proposed abatement.

Failure of any property owner, or any party concerned to receive a notice shall not affect the validity of any proceeding taken, if the procedure for service of notice has been followed.

305.7.4 Appeal. The property owner may appeal the decision of the fire code official regarding the fire code official's determination that a fire hazard exists by sending a written appeal to the fire code official within ten (10) calendar days of the mailing of the notice.

305.7.5 Abatement hearing procedure. All hearings under Chapter 3 of the Fire Code shall be held before the fire code official or Fire Chief who shall hear all facts and testimony he/she deems pertinent. The facts and testimony may include testimony on the condition of the property and circumstances related to the fire hazard. The owner of the land may appear in person or present a sworn written statement in time for consideration at the hearing. The fire code official or Fire Chief may impose such conditions and take such other action, as he/she deems appropriate to carry out the purpose of the provisions of this chapter. The decision of the fire code official or Fire Chief shall be final and shall be sent to the property owner via certified mail to the owner's address on the latest equalized tax assessment roll within thirty (30) calendar days.

305.7.6 Private property abatement. If any order of the Fire Chief or the fire code official is made pursuant to this ordinance and is not complied with within the period designated, the City may then cause such work to be done to the extent necessary to eliminate the fire hazard and other substandard fire conditions that are determined to exist.

305.7.7 Emergency private property abatement. When in the opinion of the fire code official a substandard structure or substandard property is an immediate hazard to life and property, and the fire code official makes written findings to the effect that abatement of such a fire hazard requires immediate action, the fire code official may then cause such work to be done to the extent necessary to eliminate the hazard. At least twenty-four (24) hours prior the abatement, the fire code official shall attempt to contact the property owner to inform the property owner of the work to be done and request their assistance or immediate voluntary removal of the hazard. After the work is performed, the fire code official shall post a notice and mail to the property owner information regarding the nature of the work performed. Any individual aggrieved by the action of the fire code official under this section, may appeal the determination of the action to the

Fire Chief, except that the appeal shall be filed within ten (10) calendar days from the date of mailing the notice of work performed.

305.7.8 Abatement costs. The costs involved in the correction of the substandard conditions and fire hazards shall become a special assessment against the property. In addition to the above costs, an administrative processing fee established by resolution of the Council of the City of Newport Beach, shall be assessed against each parcel for Newport Beach Fire Department and other City incurred costs associated with abatement. An additional inspection fee shall be established by resolution of the Council of the City of Newport Beach for charges related to inspection services for vegetation hazard identification. The schedule for such fees shall be maintained on file in the City Clerk's office.

The fire code official shall notify, in writing, all parties concerned of the amount of such assessment related to work performed in accordance with Government Code Section 3877.3.5. The property owner may appeal the fire code official's assessment by sending a written appeal to the fire code official within fifteen (15) calendar days of the mailing of the notice. Any appeal regarding the reasonableness of the assessment of costs shall be heard by the Fire Chief.

If the total assessment determined as provided for in this section is not paid within thirty (30) calendar days after mailing of such notice or after a decision has been rendered on any appeal, the property owner shall be billed. If unpaid, such charges shall be placed as a special assessment on the tax bill for the property pursuant to the procedures set forth in Section 38773.5 of the Government Code which is incorporated herein by this reference.

305.7.9 Other abatement procedures. The provisions of this ordinance shall not in any manner limit or restrict the City from enforcing City ordinances or abating public nuisances in any other manner provided by law.

Section 307.4.2 Recreation fires is amended by adding Section 307.4.2.1 to read as follows:

307.4.2.1 Beach, camp, and recreational fires. No person shall make, set, or maintain any beach or camp/recreational fire at any beach, park, or other public place within the City except in areas where proper containers are provided for such fires by the City and where City signs are plainly posted indicating such fires are permissible.

Section 319 Geological Surveys is added to read as follows:

SECTION 319 GEOLOGICAL SURVEYS

319.1 General. Development on or near land containing or emitting toxic, combustible or flammable liquids, gases, or vapors.

319.2 Geological surveys. The fire code official may require the submittal for review and approval of geological studies, evaluations, reports, remedial recommendations and/or similar documentation from a state-licensed and department approved individual or firm, on any parcel of land to be developed which:

1. Has, or is adjacent to, or within 1,000 feet (304.8 m) of a parcel of land that has an active, inactive, or abandoned oil or gas well operation, petroleum or chemical refining facility, petroleum or chemical storage;
2. May contain or give off toxic, combustible or flammable liquids, gases, or vapors; or
3. Modifications to existing systems.

9.04.050 Amendments to Chapter 5 Fire Service Features.

Section 503.2.1 Dimensions is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6.1 m) and shall not be less than 26 feet (7.92 m) within 30 feet (9.14 m) of a fire hydrant, except when the road passes through approved security gates in accordance with Section 503.6. Roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m).

Section 503.2.4 Turning Radius is amended to read as follows:

503.2.4 Turning radius. The turning radius for fire apparatus access roads shall be not less than 20 feet (6.1 m) inside radius and 40 feet (12.2 m) outside radius.

Exception: Cul-de-sacs with center obstructions may require larger turning radii as approved by the fire code official.

Section 503.2.5 Dead ends is amended to read as follows:

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 200 feet (60.96) in length shall be provided with an approved cul-de-sac for turning around fire apparatus without backing up.

Section 503.2.7 Grade is amended to read as follows:

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed ten percent.

Section 503.4 Obstructions of Fire Apparatus Access Roads is amended by adding Section 503.4.2 to read as follows:

503.4.2 Policy. Any traffic calming devices in required access roadways when approved by the fire code official, shall be in accordance with the Newport Beach Public Works Department's Neighborhood Traffic Management Policy.

Section 503.6.1 is added to read as follows:

503.6.1 Vehicle access gates. Vehicle access gates or barriers installed across fire apparatus access roads shall be in accordance with the Newport Beach Fire Department Guidelines and Standards C.01 Emergency Fire Access: Roadways, Fire Lanes, Gates, and Barriers. The minimum width of any gate or opening necessary or required as a point of access shall be not less than 14 feet (4.27 m) unobstructed width. This minimum width may be increased depending on the length of the approach.

Section 505.1 Address identification is amended by adding Section 505.1.1 to read as follows:

505.1.1 Premises Identification. All multi-unit residential and commercial buildings shall have numbers or addresses placed above or immediately adjacent to all doors that allow fire department access. In no case shall the numbers be less than four inches (102 mm) in height with a one-half inch (51 mm) stroke.

Section 510.4 Technical Requirements is amended to read as follows:

510.4 Technical Requirements. Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with Section 510.4.1 through 510.4.2.5 and the Newport Beach Fire Department Guidelines and Standards D.05 Public Safety Radio System Coverage.

Section 511 Building Information is added to read as follows:

SECTION 511 BUILDING INFORMATION

511.1 Building information. The fire code official is authorized to require a cabinet for onsite storage of pre-plans and other building information that is accessible to the fire code official.

9.04.060 Amendments to Chapter 6 Building Services and Systems.

Section 604 is amended by adding Section 604.2.15.2.2 to read as follows:

604.2.15.2.2 Emergency power outlets. Provide and install electrical outlets (120 volt, duplex) that are connected to the emergency generator circuitry/system when a generator is required by Section 604.2 of the California Fire Code in every fire control room and in other areas as may be designated by the fire code office.

9.04.070 Amendments to Chapter 9 Fire Protection Systems.

Section 903.2 Where required is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the following locations: "Building Area" as used in this section shall mean the area included within surrounding exterior walls (or exterior and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.11, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²), regardless of fire areas or allowable area.
2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when the following condition exists:
 - a. An addition, where the increase in building size is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²).

Section 903.2.8 Group R is amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

- a. An addition, where the increase in building size is 2,000 sq. ft. or more and exceeds 50% of the area of the existing structure.
- b. An addition, when the existing building is already provided with an automatic sprinkler system.

Section 903.3.1.2 NFPA 13R Fire Sprinkler Systems is amended by adding Section 903.3.1.2.2 to read as follows:

903.3.1.2.2 Alarms. Local waterflow alarms shall be provided on all 13 and 13R sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided.

Section 903.3.1 Standards is amended by adding Section 903.3.1.4 to read as follows:

903.3.1.4 System design. NFPA 13 and 13R sprinkler systems design shall be in accordance with Newport Beach Fire Department Guidelines and Standards F.02 Fire Sprinkler System Design Pressure.

Section 907.1 General is amended by adding Section 907.1.6 to read as follows:

907.1.6 System design. No building shall have more than one fire alarm panel. All fire detection and protection devices shall operate and be connected to the building fire alarm panel.

Smoke detectors connected to the alarm system shall have a visible indicator that displays the status of the detector. When a detector is located in a space above a drop ceiling, an indicating light shall be provided and plainly visible.

Exception: Smoke detectors installed with an addressable alarm system capable of showing the approximate location of all activating devices.

Section 907.3 is amended by deleting Section 907.3.1 Exception 1:

Section 907.3.1 Duct smoke detectors Exception 1 is deleted in its entirety.

Section 912 Fire Department Connections is amended by adding Section 912.1.1, amending 912.2 and Section 912.2.1 to read as follows:

912.1.1 Installation. The size of piping and the number of inlets shall be approved by the fire code official. All fire department connections shall be listed assemblies. Fire department inlet connections shall be painted OSHA safety red unless otherwise approved by the fire code official. When the fire flow demand of a sprinkler system is 500 gpm or greater, including the interior hose stream demand if a standpipe system is installed, four 2½" inlets shall be provided.

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connection shall be approved, and be no more than 100 feet (30.48 m) from a public hydrant. When possible, the fire department connection shall be located 30 feet (9.14 m) minimum from beginning of radius for driveway approach.

912.2.1 Visible Location. Fire department connections shall be located on the address side of the building, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the Fire Chief.

9.04.080 Amendments to Chapter 36 Marinas.

Section 3602.1 Definitions. The following term is defined in Chapter 2:

DOCK.

Section 3603.6 Berthing and storage is amended and Sections 3603.6.1 and 3603.6.2 are added to read as follows:

3603.6 Berthing and storage. Berthing and storage shall be in accordance with Chapter 7 of NFPA 303 and this section.

3603.6.1 Multiple berthing and vessel rafting. All vessels in marinas shall be arranged such that a vessel occupying a slip can be readily removed in an emergency without the necessity of moving other vessels.

Exceptions:

1. Tenders or dinghies may be tied to a vessel's stern without the need of an action plan providing the length of the tender or dinghy does not exceed the width of the vessel's beam.
2. Vessels with beams of less than 14 feet are permitted to have a tender or dinghy, up to a maximum of 14 feet in length, tied to the vessel's stern.

3603.6.2 Permitted multiple berthing. A permit may be issued for multiple berthing under the following conditions:

1. Multiple berthing occurs between the hours of 0700 to 1800. An action plan must be developed by the applicant indicating:
 - a. How the vessels will be moved in the event of a fire.

- b. The person is responsible for moving the vessels.
 - c. Where the vessels will be relocated to after 1800 hours.
 - d. How employee training and emergency communications are being provided.
2. The multiple berthing is necessary for a special event or other extenuating circumstances and will occur for a limited period of time, which shall be approved by the fire code official and per Newport Beach Fire Department Guidelines and Standards A.10 Multiple Berthing and/or Rafting at Special Events.

Section 3604.1 General is amended to read as follows:

3604.1 General. Piers, marinas, wharves, docks, and floats serving boatyards, hotels, yacht clubs, boat condominiums, docking facilities associated with residential condominiums and multiple family residences with facilities for mooring or servicing vessels, and marine motor vehicle fuel dispensing stations shall be equipped with fire protection equipment in accordance with Sections 3604.2 through 3604.6.

Section 3604.2 Standpipes is amended to read as follows:

3604.2 Standpipes. When any portion of a pier, marina, wharf, dock, or float is more than 150 feet from a fire apparatus access road, it shall be equipped with a Class III standpipe system installed in accordance with NFPA 303 and Newport Beach Fire Department Guidelines and Standards F.01. Fire Protection for Marinas, Wharfs, and Piers.

9.04.090 Amendments to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.

Chapter 49 has been deleted and amended to read as follows:

SECTION 4901 REDUCTION OF BRUSH FROM STRUCTURES

4901.1 Scope. Each person or entity who owns, leases, controls, operates, or maintains any parcel of land within a designated Hazard Reduction Zone or Local Agency Very High Fire Hazard Severity Zone shall comply with the requirements of this Chapter to mitigate the conditions where vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses.

4901.2 Purpose. The purpose of this code is to provide minimum vegetative maintenance standards to reduce the severity of exterior wildlife exposure to buildings, and to decrease the exposure from a building fire to the wildland-urban interface area.

4901.3 General. Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces shall be responsible for modifying or removing non-fire resistive vegetation.

These regulations apply to all Hazard Reduction Zones and Local Agency Very High Fire Hazard Severity Zones located within the City of Newport Beach.

SECTION 4902 DEFINITIONS

4902.1 Definitions. The following terms are defined in Chapter 2:

DEFENSIBLE SPACE.

FUEL MODIFICATION PLAN.

FUEL MODIFICATION ZONE.

HAZARD REDUCTION ZONE.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE.

WILDLAND.

WILDLAND FUELS.

WILDLAND-URBAN INTERFACE AREA.

SECTION 4903 MAINTENANCE OF FUEL MODIFICATION ZONES, HAZARD REDUCTION ZONES, AND LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

4903.1 Compliance. Fuel Modification Zones, Hazard Reduction Zones, and Local Agency Very High Fire Hazard Severity Zones not in compliance with the respective guidelines shall constitute a fire hazard.

4903.2 Fuel Modification Zone. All elements of the fuel modification zone shall be maintained in accordance with the approved plan and the City of Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard."

4903.3 Hazard Reduction Zone. All elements of the Hazard Reduction Zone shall be maintained in accordance with the City of Newport Beach Fire Department Guidelines and Standards G.01 "Hazard Reduction Zones."

SECTION 4904 CONSTRUCTION REQUIREMENTS WITHIN HAZARD REDUCTION ZONES AND LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

4904.1 General. In addition to the regulations found in Chapter 7A of the California Building Code and other relevant sections of the California Building Code, all new construction and existing structures that are increased in size by 2,000 square feet or more and exceed 50% of the area of the existing structure located on parcels of land within the City of Newport Beach Hazard Reduction Zone and Local Agency Very High Fire Hazard Severity Zones shall be built in accordance with the regulations found in Section 4904 and 4905 of this code.

4904.2 Authority. The Fire Chief shall have the authority to designate all Hazard Reduction Zones, and the City Council shall adopt, by ordinance, the Local Agency Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179(a).

4904.3 Fuel Modification Requirements for New Construction. All new structures located on parcels of land which are designated Hazard Reduction Zones or Local Agency Very High Fire Hazard Severity Zones shall comply with this section.

4904.3.1 Fuel Modification Requirements for Additions to Existing Structures. All additions to structures that are 2,000 square feet or more and exceed 50% of the area of the existing structure located on parcels of land which are designated Hazard Reduction Zones or Local Agency Very High Fire Hazard Severity Zones shall comply with this section.

4904.3.2 Plans. Fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a building permit. The plans shall be developed using the criteria set forth in the Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard."

4904.3.3 Alterations. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification plan shall be approved by the fire code official.

4904.3.4 Issuance of grading or building permits. No grading permit or building permit shall be issued for new and qualifying additions to existing structures prior to approval by the Fire Department of the submitted fuel modification plan as required by this section.

4904.3.5 Street widths. The minimum width of private and public streets shall not be less than 28 feet (8.53 m). Private streets and driveways serving no more than three dwellings and not exceeding 150 feet (45.72 m) in length shall not be less than 24 feet (7.32 m) in width.

SECTION 4905 BUILDING CONSTRUCTION FEATURES

4905.1 Proximity to property lines. New structures built to the requirements of Section 7A of the California Building Code shall not be less than three feet (.915 m) from an adjacent property line. Areas shall be maintained free of obstructions at all times.

Exception: Refuse cans for residential use..

4905.2 Combustible construction prohibited. No attached or detached buildings, patio covers, sheds, decks, stairs, or similar structures shall be built or placed in the 20 foot Zone A setback, as described in the City of Newport Beach Fire Department Guidelines and Standards G.02 "Fuel Modification Plans and Maintenance Standard" unless completely constructed of non-combustible materials.

SECTION 4906 HAZARD REDUCTION ZONE/LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE MAP

4906.1 Map. The Fire Chief shall cause an official map of the Hazard Reduction Zones to be prepared. The City Council shall adopt by ordinance a map of the Local Agency Very High Fire Hazard Severity Zones. These maps shall be reviewed, updated or amended as deemed necessary.

SECTION 4907 USE OF EQUIPMENT IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4907.1 Equipment prohibited without a spark arrestor. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining Local Agency Very High Fire Hazard Severity Zones, any internal combustion engine which uses hydrocarbon fuel, unless the engine is equipped with a spark arrestor as defined in Section 4908.3 of the Fire Code and maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire pursuant to Section 4908.4 of the Fire Code.

4907.2 Spark arrestor installation. Spark arrestors affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4907.3 Spark arrestor design. A spark arrestor is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

4907.4 Spark arrestor exemption for vehicles. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.

Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere and the turbocharger is in effective mechanical condition.

SECTION 4908 RESTRICTED ENTRY TO LOCAL AGENCY VERY HIGH FIRE HAZARDOUS SEVERITY ZONES

4908.1 General. The Fire Chief shall determine and publicly announce when Local Agency Very High Fire Hazard Severity Zones shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Local Agency Very High Fire Hazard Severity Zones, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Local Agency Very High Fire Hazard Severity Zone is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within Local Agency Very High Fire Hazard Severity Zones and their invitees and guests going to or being upon their lands.
2. Entry in the course of duty by peace or police officers, other duly authorized public officers, and members of a fire department.

SECTION 4909 OPEN FLAME DEVICES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4909.1 General. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon Local Agency Very High Fire Hazard Severity Zones, except by permit from the fire code official.

Exception: Use within habited premises which are a minimum of 30 feet (914 m) from grass or brush covered areas.

Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon a Local Agency Very High Fire Hazard Severity Zone.

Exception: The proper use of a fuse at the scene of emergencies.

SECTION 4910 OUTDOOR FIRES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES AND HAZARD REDUCTION ZONES

4910.1 General. Outdoor fires shall not be built, ignited or maintained in or upon Local Agency Very High Fire Hazard Severity Zones and hazard reduction zones, except by permit from the fire code official.

Exception: Fires located within the property boundary of inhabited premise or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9.14 m) from grass or brush covered areas.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon Local Agency Very High Fire Hazard Severity Zones or in hazard reduction zones under the following conditions:

1. When surface wind speeds are sustained at 20 MPH or wind gusts exceed 25 MPH.
2. When a person age 18 or over is not present at all times to watch and tend such fire.
3. When public announcement is made that open burning is prohibited.

4910.2 Prohibited Uses. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

SECTION 4911 RECREATIONAL FIRES IN LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONES

4911.1 General. Recreational fires built, installed, or maintained in Local Agency Very High Fire Hazard Severity Zones or hazard reduction zones shall only use natural gas or propane fuel. Combustible solid fuels are prohibited regardless if a spark arrestor is utilized.

Outdoor fireplaces, permanent barbeques, and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen, lid, or door.

9.04.100 Amendments to Chapter 50 Hazardous Materials—General Provisions.

Section 5003.12 Outdoor Control Areas is amended by adding item No. 5 to read as follows:

5. Outdoor control areas shall be protected against tampering or trespassers by fencing or other control measures as approved by the fire code official.

Section 5004.1 Scope is amended by adding Section 5004.1.1 to read as follows:

5004.1.1 Maximum quantity on site. No person shall use or store any amount of Extremely Hazardous Substances (EHS) equal to or greater than the disclosable amounts as listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations in a residential zone or adjacent to property developed with residential uses, unless approved mitigation measures are implemented and maintained, as required by the fire code official.

9.04.110 Amendments to Chapter 56 Explosives and Fireworks.

Section 5601.1 Scope is amended and Sections 5610 and 5611 are added to read as follows:

5601.1 Scope. Manufacture, possession, storage, sale, transportation and use of explosive materials shall be in accordance with Chapter 56. For explosives requirements, see Title 19 California Code of Regulations, Chapter 10. For Fireworks requirements, see Title 19 California Code of Regulations, Chapter 6.

SECTION 5610 FIREWORKS

5610.1 Fireworks 1.4G and fireworks 1.3G. No person shall store, use, sell, possess, or handle fireworks 1.4G, (commonly referred to as "Safe and Sane") and fireworks 1.3G anywhere in the City of Newport Beach.

Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electronically fired public display when permitted and conducted by a licensed pyrotechnic operator.

5610.2 Seizure of fireworks. The fire code official and his/her agent shall have the authority to seize, take, and remove any fireworks stored, sold, offered for sale, used or handled in violation of the provisions of this code. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

SECTION 5611 STORAGE OF EXPLOSIVES AND BLASTING AGENTS

5611.1 Storage of explosives and blasting agents. No person shall store explosives or blasting agents anywhere in the City of Newport Beach unless the fire code official has issued a permit authorizing use and/or storage.

9.04.120 Amendments to Chapter 57 Flammable and Combustible Liquids.

Section 5704.2.11.2 is amended by adding No. 4 to read as follows:

4. The underground storage of flammable liquids shall be prohibited in any residential district or any residential area of a planned community district, as defined in Chapter 20.05 of the Newport Beach Municipal Code.

Section 5706.4 Bulk plants or terminals is amended to read as follows:

5706.4 Bulk plants or terminals. Portions of properties where flammable and combustible liquids are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers are prohibited within the boundaries of the City of Newport Beach except as permitted by the fire code official. Approved installations shall comply with Sections 5706.4.1 through 5706.4.10.4.

9.04.130 Amendments to Appendix B Fire-Flow Requirements for Buildings.

Section B105.2 Buildings other than one-and two-family dwellings is amended to read as follows:

B105.2 Buildings Other Than One-and Two- Family Dwellings. The minimum fire flow and flow duration for buildings other than one-and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min.) for the prescribed duration as specified in Table B105.1.

9.04.140 Local Agency Very High Fire Hazard Severity Zone

The City of Newport Beach designates those areas identified in green on the map attached to the ordinance codified in this section and on file with the City Clerk as the Local Agency Very High Fire Hazard Severity Zone for the City in accordance with Section 51179 of the California Government Code.

SECTION 2. The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

SECTION 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section,

subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(C)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published pursuant to City Charter Section 414.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 12th day of November, 2013, and was adopted on the 26th day of November, 2013, by the following vote to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS _____

Keith D. Curry, Mayor

ATTEST:

Leilani I. Brown, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney